

NEW YORK CITY.

THE COURTS.

Novel Case in Bankruptcy—Interesting Revenue Fraud Cases—McFarland Arraigned and Pleads Not Guilty—The Astor House

Deathed Marriage—The Washington Marine Insurance Company—The

Stock Exchange Litigation—The

Stock Dabbling Lawyers—Miscellaneous Cases.

UNITED STATES DISTRICT COURT—IN BANKRUPTCY.

The Binger Case—Important Question of Jurisdiction.

Before Judge Blatchford.

In the Matter of the Petition of Hardy, Blake & Co. vs. Binger & Co.—This case came up yesterday for trial, the question before the jury being as to whether Binger & Co. should be adjudicated bankrupts. The matter has been some time in dispute and the facts have already appeared. Binger & Co. were proprietors of the large wholesale concern at the corner of Liberty and Temple streets. It appeared that some difference arose between Binger & Co. and Hardy, Blake & Co. when, as alleged, the latter were unable to meet their obligations and that a receiver was appointed over the property, which was represented as far exceeding the liabilities of the firm. Some of the creditors took steps to have Binger & Co. declared bankrupts; but as the property was placed in the hands of a receiver for its proper disposal they were restrained from taking action. The case was brought before the United States Court, and it was set down for trial yesterday.

Mr. Compton, with whom was Mr. J. F. Morgan, moved for an adjournment on behalf of Mr. Clarke, on the ground that one of his relatives was dangerously ill, and that a postponement of the case was necessary. He desired, moreover, to argue the question of jurisdiction; but at present he moved that this matter be postponed until the case should be tried.

Evidence was then taken on behalf of the petitioners, showing that Binger & Co. had contracted with Hardy, Blake & Co. for the purchase of a large quantity of goods, and that the latter had failed to pay for them, and that the reason they desired to put the firm into bankruptcy was to get their money.

The cashier of the establishment was next examined, and testified as to the condition of the firm to the effect that their liabilities amounted to \$215,000 and their assets to \$200,000, and that the latter was \$15,000 short. The average amount of their assets was about \$400,000.

Abraham B. Clark was then examined, and in reply to the question stated that he had been connected with the firm since 1821 and had been a working partner since 1835; the firm was much embarrassed since the beginning of November last; Binger issued paper without consulting him or telling him what it was for; at that time there was a stringency in the market, and the firm was unable to meet its obligations, and he was accordingly attending with depressing results, although the firm was largely solvent at that time, but there was nothing they could immediately convert into money without loss or without jeopardizing the interests of the creditors; on the 4th of November Binger served him with a notice of dissolution of partnership and in a few days afterwards he discovered that he had an undivided interest in the firm; Binger told him that he (Clark) had no rights in the premises, that he had not a share in the business, and that he would kick him out. The witness further stated that he had rights equal to those of Binger and that he immediately applied for a receiver to take possession of the property and to liquidate the firm.

In cross-examination by Mr. Bangs the witness referred to the property owned by the firm, including real estate and personal property, and proceeded to give a statement of the receipts in case the property had been auctioned. He stated that the property was sold for \$100,000, and that the proceeds were used to pay the debts of the firm.

After some further evidence had been adduced Mr. Compton addressed the jury, contending at some length that no act of bankruptcy had been committed.

A lengthy discussion then ensued as to whether Binger & Co. were solvent at the time the receiver was appointed. Finally Judge Blatchford moved to amend the petition, and the Court having granted the motion the case was adjourned till this morning.

Following Property.

The following property was yesterday condemned, no claimants having appeared after the return of the usual process had been made: Five barrels of whiskey, found in front street; one suit, found on the southeast corner of Ninth avenue and Forty-sixth street.

UNITED STATES COMMISSIONERS' COURT.

Alleged Revenue Frauds.

Before Commissioner Shields.

The United States vs. Thomas R. Blake.—The defendant was charged with carrying on the business of a retail liquor dealer at the corner of Hester and Ludlow streets without having paid the special tax required by law. The same charge was preferred against William Rappaport, who carried on business at No. 20 West Street. Both defendants were held to await the action of the Grand Jury.

Illicit Removal of Spirits.

The United States vs. Patrick Campbell.—The hearing of this case was resumed yesterday. The defendant was charged with aiding and abetting in the illicit removal of five barrels of whiskey upon which the tax had not been paid, and against which evidence was adduced that the defendant was entirely unaware of the transaction and was absent at the time of the removal of the spirits to the premises. Commissioner Shields ordered the case to be discharged.

The Kurtzman Counterfeiting Case.

Before Commissioner Osborne.

The United States vs. Otto Kurtzman.—As previously mentioned, the defendant, an old man, is charged with selling counterfeit money to two boys, named William Bagg and Robert Parker. At the adjourned examination held yesterday morning instant notice was given, and the further hearing was set down for Monday next.

Larceny in a Foreign Port.

Before Commissioner Betts.

The United States vs. George McDowell, John Egan, George Hall, John Francis, Peter London and Elias London.—The defendants were seamen attached to the American ship Tait. They were arrested on a charge of having stolen a quantity of goods from the ship, and were held to await the action of the Grand Jury.

John McCarthy, a seaman on board the vessel, testified that the defendant, John McCarthy, had been seen by him on the ship, and that he saw a number of the skins in the prisoners' bunks and appropriating them to their own use.

In cross-examination the witness testified that a difference had arisen between the mate and the crew, and that although he had known of the alleged robbery of the skins, he did not mention the matter until after the arrest.

The further hearing of the case was adjourned to Thursday next.

SUPREME COURT—CHAMBERS.

An Insurance Squabble—Motion to Punish Assignees for Contempt.

Before Judge Barnard.

In the Matter of the Washington Marine Insurance Company.—It appears this company were declared insolvent under the laws of the State of New York, and it was consequently determined to have its affairs wound up. With this view a receiver was appointed to distribute the property equally among the creditors. Subsequently the assignees were appointed, and they have been proceeding against the Washington Marine Insurance Company to compel an account. Assignees were appointed, who took possession of some of the property, and the case now comes up on motion to punish these assignees for contempt of court, and to have them arrested. It is claimed that the company's affairs were exclusively in the hands of the State court, and that, consequently, the assignees were not justified in their action. A further motion was also made to restrain them from joining in any suit against the receiver.

Judge Barnard granted both motions. For motions, Clarence A. Seward; against, Isaac T. Williams.

Injunction Against the Stock Exchange Dissolved.

Before Judge Barnard.

Gillette vs. Nelson, Plaintiff of the New York Stock Exchange.—This was a motion to dissolve an injunction restraining the defendants from enforcing the rules of the Stock Exchange against the plaintiff and others. After argument by ex-Judge Nelson on behalf of the motion, and Mr. Murphy on behalf of the defendants, the Court granted the injunction.

Decisions Rendered.

By Judge Barnard.

Morford vs. Smith.—Motion granted.

Stevens vs. Post, and Pardon vs. Dimmock.—Motions granted, and reference in each case ordered to T. C. Fields to hear and determine.

Wales vs. Bennett.—Motion granted.

United States vs. Bennett.—Motion granted.

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